

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

**Janine Lamont McQuillan**Case No. **23-41493**CHAPTER 13 PLAN ☒ ModifiedDated: **June 17, 2024**

Debtor.

In a joint case, debtor means debtors in this plan.**Part 1. NOTICE OF NONSTANDARD PLAN PROVISIONS, SECURED CLAIM LIMITATIONS, AND LIEN OR SECURITY INTEREST AVOIDANCE:** Debtor must check the appropriate boxes below to state whether or not the plan includes each of the following items:

1.1	A limit on the amount of a secured claim based on a valuation of the collateral for the claim, set out in Parts 9 or 16	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
1.2	Avoidance of a security interest or lien, set out in Part 16	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
1.3	Nonstandard provisions, set out in Part 16	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included

**Part 2. DEBTOR'S PAYMENTS TO TRUSTEE:** The initial plan payment is due not later than 30 days after the order for relief, unless the court orders otherwise.2.1 As of the date of this plan, the debtor has paid the trustee \$ 3,453.92 .

2.2 After the date of this plan, the debtor will pay the trustee:

Plan payment	Start MM/YYYY	End MM/YYYY	Total
<b>\$425.00</b>	<b>06/2024 (26 months)</b>	<b>07/2026</b>	<b>\$11,050.00</b>
<b>\$700.00</b>	<b>08/2026 (24 months)</b>	<b>07/2028</b>	<b>\$16,800.00</b>
<b>TOTAL:</b>			<b>\$27,850.00</b>

2.3 The minimum plan length is ☒ 36 months or ☐ 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.2.4 The debtor will also pay the trustee an additional payment of \$796.08 by December 31, 2024 to make up for missed payments and a lump sum payment of \$39,000 by January 2028 .2.5 The debtor will pay the trustee a total of \$ 71,100.00 [lines 2.1 + 2.2 + 2.4]

**Part 3. PAYMENTS BY TRUSTEE AND TRUSTEE'S FEES:** Prior to confirmation of the plan, the trustee will pay from available funds payments designated as Adequate Protection ("Adq. Pro.") under Parts 8 and 9 to creditors with claims secured by personal property. All other funds will be disbursed by the trustee following confirmation of the plan as soon as is practicable. The trustee will pay from available funds only to creditors for which proofs of claim have been filed. The trustee is not required to retain funds for any claim for which a proof of claim has not been timely filed and may disburse those funds to other claimants. The trustee may collect a fee of up to 10% of plan payments, or \$ 7,110.00 [line 2.5 x .10]

**Part 4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365]** — The debtor assumes the following executory contracts or unexpired leases. Debtor will pay directly to creditors all payments that come due after the date the petition was filed. Cure provisions, if any, are set forth in Part 7.

	Creditor	Description of Property
<b>4.1</b>	<b>AT&amp;T</b>	<b>Services and Devices</b>

**Part 5. CLAIMS NOT IN DEFAULT** — Payments on the following claims are current. The debtor will pay directly to creditors all payments that come due after the date the petition was filed. The creditors will retain liens, if any.

	Creditor	Description of Property
<b>5.1</b>	<b>Driveway Finance Corp</b>	<b>2018 Chevrolet Trax 60,000 miles Value based on purchase price.</b>

	Creditor	Amount of default	Monthly payment	Beginning in #mo./yr.	# of payments	Remaining Payments	+ amount paid to date by Trustee (mod plan only)	Total payments
6.1	Select Portfolio Servicing (Pre-Petition)	\$25,005.42	Pro Rata	06/2024	Pro Rata	\$25,005.42	\$0.00	\$25,005.42
6.2	Select Portfolio Servicing (Post-Petition)	\$9,769.75	Pro Rata	06/2024	Pro Rata	\$9,769.75	\$0.00	\$9,769.75
TOTAL								\$34,775.17

	Creditor	Amount of default	Int. rate	Beginning in mo.yr	Monthly Payments	# of payments	Remaining Payments	+ amount paid to date by Trustee (mod plan only)	= Total payments
7.1	Manor Homes of Edina HOA	\$23,352.22	0.0	06/2024	\$350.00	26	\$9,100.00	\$0.00	\$23,352.22
				08/2026	\$593.84	24	\$14,252.22		
TOTAL									\$23,352.22

	Creditor	Est. Claim amount	Secured claim amount	Int. Rate	Adq. Pro. (Check)	Begin-ni ng in mo./yr.	Monthly payment	# of Payments	Remaining payments	<i>+amount paid to date by Trustee (mod plan only)</i>	= Total payments
	<b>-NONE-</b>				<input type="checkbox"/>						
										<b>TOTAL</b>	<b>\$0.00</b>

	Creditor	Est. Secured Claim amount	Int. rate	Adq. Pro. (Check)	Beginning in mo./yr.	Monthly payment	# of Payments	Remaining payments	+amount paid to date by Trustee (mod plan only)	Total payments
	<b>-NONE-</b>			<input type="checkbox"/>						
									<b>TOTAL</b>	<b>\$0.00</b>

**Part 10. PRIORITY CLAIMS (not including claims under Part 11):** The trustee will pay in full all claims entitled to priority under § 507(a)(2) through (a)(10), including the following. **The amounts listed are estimates.** The trustee will pay the allowed portion of the priority amount listed in the proof of claim.

	Creditor	Claim Amount	Beginning in mo.yr.	Monthly payment	# of payments	Remaining payments	+amount paid to date by Trustee (mod plan only)	=Total payments
10.1	Attorney Fees	\$3,000.00	09/2023	\$375.00	8	\$3,000.00	\$0.00	\$3,000.00
10.2	Internal Revenue Service	\$26.51	06/2024	Pro Rata	Pro Rata	\$26.51	\$0.00	\$26.51
10.3	MN Dept of Revenue	\$1,792.18	06/2024	Pro Rata	Pro Rata	\$1,792.18	\$0.00	\$1,792.18
TOTAL								\$4,818.69

**Part 11. DOMESTIC SUPPORT OBLIGATION CLAIMS:** The trustee will pay in full all domestic support obligation claims entitled to priority under § 507(a)(1), including the following. **The amounts listed are estimates.** The trustee will pay the allowed portion of the priority amount listed in the proof of claim.

	Creditor	Claim amount	Beginning in mo./yr.	Monthly payment	# of payments	Remaining payments	+ amount paid to date by Trustee (mod plan only)	=Total payments
	-NONE-							
TOTAL								\$0.00

**Part 12. SEPARATE CLASSES OF UNSECURED CLAIMS** — In addition to the class of unsecured claims specified in Part 13, there shall be separate classes of non-priority unsecured creditors including the following. The trustee will pay the allowed portion of the nonpriority amount listed in the proof of claim. **All following entries are estimates.**

	Creditor	Undersecured claim amount	Interest Rate (if any)	Beginning in mo./yr.	Monthly Payment	# of Payments	Remaining payments	+ amount paid to date by Trustee (mod plan only)	= Total payments
	-NONE-								
TOTAL									\$0.00

**Part 13. TIMELY FILED UNSECURED CLAIMS** — The trustee will pay holders of allowed non-priority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under Parts 3, 6, 7, 8, 9, 10, 11, and 12 their pro rata share of approximately \$ 1,043.92 [line 2.5 minus totals in Parts 3, 6, 7, 8, 9, 10, 11, and 12].

13.1 The debtor estimates that the total unsecured claims held by creditors listed in Part 8 and 9 are \$ 0.00 .

13.2 The debtor estimates that the debtor's total unsecured claims (excluding those in Part 8 and 9) are \$ 8,641.52 .

13.3 Total estimated unsecured claims are \$ 8,641.52 [lines 13.1 + 13.2].

**Part 14. TARDILY-FILED UNSECURED CREDITORS** — All money paid by the debtor to the trustee under Part 2, but not distributed by the trustee under Parts 3, 6, 7, 8, 9, 10, 11, 12, and 13, will be paid to holders of allowed nonpriority unsecured claims for which proofs of claim were tardily filed. Tardily filed claims remain subject to objection pursuant to 11 U.S.C. §502(b)(9).

**Part 15. SURRENDER OF COLLATERAL AND REQUEST FOR TERMINATION OF STAY:** The debtor has surrendered or will surrender the following property to the creditor. The debtor requests that the stays under §§ 362(a) and §§ 1301(a) be terminated as to the surrendered collateral upon confirmation of the plan.

	Creditor	Description of Property (including complete legal description of real property)
	-NONE-	

**Part 16. NONSTANDARD PROVISIONS:** The Trustee may distribute additional sums not expressly provided for herein at the trustee's discretion. Any nonstandard provisions, as defined in FRBP 3015(c), must be in this Part. Any nonstandard provision placed elsewhere in the plan is void. Any request by the debtor to modify a claim secured only by a security interest in real property that is the debtor's principal residence must be listed in this Part and the debtor must bring a motion to determine the value of the secured claim pursuant to Local Rule 3012-1(a).

16.1	*The plan is a step plan which will pay as follows: \$425.00 Monthly for 26 months, then \$700.00 Monthly for 24 months.
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16.2	<p>The debtor will make a lump sum payment of \$39,000.00 by January 2028 from refinancing her home once she is able.</p> <p><b>*Select Portfolio Servicing:</b> the debtor will also work directly with the mortgage lender to resolve mortgage arrears through a mortgage modification or other means, and will modify the plan as appropriate if successful.</p> <p>Pursuant to 11 U.S.C. Section 1305, a proof of claim may be filed for taxes that become payable while the case is pending. The trustee will only pay 11 U.S.C. Section 1305 tax claims attributable to the taxable year in which the case concerning such debtor(s) was filed, and only to the extent funds are available.</p> <p>The debtor shall send the Trustee each year during the Chapter 13 Plan, copies of his/her federal and state income tax returns at the time they are filed. If the debtor receives a refund from the federal taxing agency but owes the state taxing agency (or vice-versa), the debtor will net the two out, deduct the cost of preparing the tax returns, which debtors must verify, and pay the trustee the amount over \$1,200 for a single filer, or \$2,000 for a joint filer (not including any Earned Income Credit or Working Family Credit). Any additional amounts shall be turned over to the Chapter 13 trustee as additional plan payments.</p> <p><b>APPROVAL NOT REQUIRED TO INCUR POST PETITION DEBT.</b> Approval by the bankruptcy court, or Chapter 13 trustee, shall not be required prior to debtor incurring ordinary consumer debt while this case is pending. Letters of approval will not be provided by the Chapter 13 trustee and one is not needed for debtor to incur post-petition ordinary consumer debt in Minnesota. All parties in interest retain all rights regarding the treatment of this debt in future modified plans and motions to confirm such plans.</p> <p>Upon the granting of relief from the automatic stay, the trustee shall cease payments on account of the secured portion of the applicable claim. For any claim arising from the granting of relief from the automatic stay, surrender, foreclosure, repossession, or return of any collateral to any creditor listed in Parts 4, 5, 6, 7, 8, 9, 16 or Non-standard provisions, for any reason, including plan modification, the trustee shall pay such claim as a general unsecured claim upon amendment of the applicable claim. Any alleged balance of any claim to such creditor shall be discharged upon the debtor(s) receiving a discharge in this case.</p> <p>All secured creditors being paid direct (outside the Chapter 13 plan) on the plan may, upon confirmation of the plan, send debtor monthly statements and are authorized to speak to debtor about post-petition payments.</p>
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#### SUMMARY OF PAYMENTS:

Class of Payment	Amount to be paid
Payments by trustee [Part 3]	\$ <b>7,110.00</b>
Home mortgages in default [Part 6]	\$ <b>34,775.17</b>
Claims in Default [Part 7]	\$ <b>23,352.22</b>
Secured claims subject to modification (cramdown) pursuant to § 506 [Part 8]	\$ <b>0.00</b>
Secured claims excluded from § 506 [Part 9]	\$ <b>0.00</b>
Priority Claims [Part 10]	\$ <b>4,818.69</b>
Domestic support obligation claims [Part 11]	\$ <b>0.00</b>
Separate classes of unsecured claims [Part 12]	\$ <b>0.00</b>
Timely filed unsecured claims [Part 13]	\$ <b>1,043.92</b>
<b>TOTAL (must equal line 2.5)</b>	<b>\$ 71,100.00</b>

#### Certification regarding nonstandard provisions:

I certify that this plan contains no nonstandard provision except as placed in Part 16.

Signed: /s/ Wesley W. Scott  
**Wesley W. Scott 0264787**  
Attorney for debtor or debtor if pro se

Signed: /s/ Janine Lamont McQuillan  
**Janine Lamont McQuillan**  
Debtor 1

Signed: \_\_\_\_\_  
Debtor 2 (if joint case)

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re: Janine Lamont McQuillan

Case No. 23-41493

Debtor.

Chapter 13

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**NOTICE OF CONFIRMATION HEARING**

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PLEASE TAKE NOTICE that the Confirmation Hearing on the Chapter 13 Plan will hold a hearing on Thursday June 27, 2024 at 10:30 AM. The hearing will be conducted telephonically. Please dial 1-888-684-8852 to call in for the hearing. When prompted, enter access code: 5988550. When prompted, enter security code: 0428. Any person wanting to appear in person must contact Judge Fisher's Courtroom Deputy at 651-848-1061 at least 48 hours prior to the hearing.

Any objection to the modified plan shall be filed and served no later than 48 hours prior to the time and date set for the confirmation hearing.

Dated: June 17, 2024

LIFE BACK LAW FIRM, P.A.

/e/ JESSE A. HOROSHAK - #0387797

Attorney for Debtor  
6445 Sycamore Court N.  
Maple Grove, MN 55369  
(320) 252-0330  
[Jesse@lifebacklaw.com](mailto:Jesse@lifebacklaw.com)

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:	Case No. 23-41493
Janine McQuillan	Chapter 13
Debtor(s)	

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**DECLARATION OF MAILING CERTIFICATE OF SERVICE**

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On 6/17/2024, I did cause a copy of the following document(s), described below:

Modified Plan and Notice of Confirmation Hearing

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of Stretto, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R. Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein. Said mailing matrix was downloaded from the District of Minnesota Bankruptcy Court's official court matrix on 6/17/2024.

Parties who are participants in the Courts Electronic Noticing System ("NEF"), if any, were denoted as having been served electronically with the documents described herein per the ECF/PACER system.

DATED: 6/17/2024

/s/ Jesse A. Horoshak  
Jesse A. Horoshak  
Bar No. 0387797  
LifeBack Law Firm, PA  
6445 Sycamore Ct. N  
Maple Grove MN 55369-0000  
(612)843-0529  
justice@lifebacklaw.com

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:  
Janine McQuillan  
Debtor(s)

Case No. 23-41493  
Chapter 13

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**CERTIFICATE OF SERVICE DECLARATION OF MAILING**

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On 6/17/2024, I did cause a copy of the following document(s), described below:

Modified Plan and Notice of Confirmation Hearing

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document (s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 6/17/2024



Melissa Membrino  
c/o Stretto  
410 Exchange Ste 100  
Irvine, CA 92602  
(949) 222-1212  
[declaration@stretto.com](mailto:declaration@stretto.com)

I certify that on 6/17/2024, I caused a copy of the Modified Plan and Notice of Confirmation Hearing to be served by First Class United States Mail service, with adequate postage to ensure delivery to:

## EXHIBIT

Federal Home Loan Mortgage Corporation, as T		Wilford, Geske & Cook, P.A.	7616 Currell Blvd Ste 200	Woodbury MN 55125-2296
Minnesota Department of Revenue		Bankruptcy Section	PO Box 64447	St Paul MN 55164-0447
United States Attorney		600 US Courthouse	300 S 4th St	Minneapolis MN 55415-3070
United States of America, Internal Revenue S	c/o Adine S. Momoh	600 U.S. Courthouse	300 South 4th Street	Minneapolis MN 55415-1320
Minneapolis		301 Diana E. Murphy U.S. Courthouse	300 South Fourth Street	Minneapolis MN 55415-1320
AT&T		Bankruptcy Dept	4331 Communications Dr, Flr 4W	Dallas TX 75211-1300
Comenity Bank/Kingsize		Attn: Bankruptcy	Po Box 182125	Columbus OH 43218-2125
Driveway Finance Corp		150 N Bartlett St		Medford OR 97501-6015
Driveway Finance Corporation		150 North Bartlett St		Medford OR 97501-6015
First Premier Bank		Attn: Bankruptcy	Po Box 5524	Sioux Falls SD 57117-5524
Hennepin County Medical Center		701 Park Ave		Minneapolis MN 55415-1829
Internal Revenue Service		Centralized Insolvency	PO Box 7346	Philadelphia PA 19101-7346
Kristine Spiegelberg Nelson		Smith Jadin Johnson PLLC	7900 Xerxes Ave S., Suite 2020	Bloomington MN 55431-1132
MN Dept of Revenue		Attn: Denise Jones	PO Box 64447	Saint Paul MN 55164-0447
Manor Homes of Edina Condominium Association		Smith Jadin Johnson PLLC	7900 Xerxes Ave S., Suite 2020	Bloomington MN 55431-1132
Manor Homes of Edina HOA		c/o Smith, Jadin, and Johnson	7900 Xerxes Ave S; Ste 2020	Bloomington MN 55431-1132
Messerli & Kramer		3033 Campus Drive	Suite 250	Plymouth MN 55441-2685
Midland Credit Management, Inc.		PO Box 2037		Warren MI 48090-2037
Midland Credit Managment		350 Camino De La	Suite 100	San Diego CA 92108
Midland Funding/Midland Credit Mgmt		Attn: Bankruptcy	Po Box 939069	San Diego CA 92193-9069
Park Nicollet		3800 Park Nicollet Blvd.		Minneapolis MN 55416-2699
PORTFOLIO RECOVERY ASSOCIATES LLC		PO BOX 41067		NORFOLK VA 23541-1067
Premier Bankcard, LLC		Jefferson Capital Systems LLC Assignee	Po Box 7999	Saint Cloud MN 56302-7999
Quantum3 Group LLC as agent for		Comenity Bank	PO Box 788	Kirkland WA 98083-0788
Select Portfolio Svcing, Inc		Attn: Bankruptcy	Po Box 65250	Salt Lake City UT 84165-0250
Janine Lamont McQuillan		6812 Langford Dr.		Edina MN 55436-1773
Wesley W. Scott		LifeBack Law Firm, PA	13 Seventh Ave S	St Cloud MN 56301-4259



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re  
**Janine Lamont McQuillan**

Case No. **23-41493**

Debtor(s).

**SIGNATURE DECLARATION**

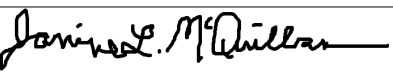
- ☐ PETITION, SCHEDULES & STATEMENTS  
☐ CHAPTER 13 PLAN  
☐ VOLUNTARY CONVERSION, SCHEDULES AND STATEMENTS  
☒ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS  
☒ MODIFIED CHAPTER 13 PLAN  
☐ OTHER (PLEASE DESCRIBE: \_\_\_\_\_)

I [We], the undersigned debtor(s) or authorized representative of the debtor, make the following declarations under penalty of perjury:

1. The information I have given my attorney for the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
2. The Social Security Number or Tax Identification Number I have given to my attorney for entry into the court's Case Management/Electronic Case Filing (CM/ECF) system as a part of the electronic commencement of the above-referenced case is true and correct;
3. **[individual debtors only]** If no Social Security Number was provided as described in paragraph 2 above, it is because I do not have a Social Security Number;
4. I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration;
5. My electronic signature contained on the documents filed with the Bankruptcy Court has the same effect as if it were my original signature on those documents; and
6. **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

06/14/2024

Date:

x 

Signature of Debtor1 or Authorized  
Representative

x \_\_\_\_\_

Signature of Debtor 2

**Janine Lamont McQuillan**

Printed Name of Debtor 1 or  
Authorized Representative

\_\_\_\_\_  
Printed Name of Debtor 2